

July 14, 2009

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., July 14, 2009.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard (arrived at 7:02 p.m.); Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei

Members absent: None

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on June 23, 2009, were approved as distributed.

City Manager Kolakowski reported on the following:

- the Bedford Farmer's Market is open and selling fresh produce and fruit on Tuesday, Friday, and Saturday mornings – four to eight farmers are participating
- Family Fun Day at Greenwood Park – July 18 from 12:00 noon until 5:00 p.m.

The City Manager read aloud the following Public Hearing Notice:

NOTICE OF PUBLIC HEARING
LEASE OF CITY PROPERTY
(Parking Lot Adjacent to Court Street Pizza)

NOTICE is hereby given that the City Council of the City of Bedford, Virginia, ("The Council") will hold a public hearing on a proposed lease of a portion of the City owned public parking lot located at 210 North Bridge Street in Bedford, Virginia, adjacent to the Court Street Pizza restaurant. The lease provides for use by the tenant of a portion of the City owned lot for a wooden walkway leading from Bridge Street to a patio deck at the east end of the City property to be used as a neighborhood ice cream shop. A copy of the proposed lease is on file at the City Manager's office in the municipal building.

The public hearing, which may be continued or adjourned, will be held at the City Council meeting at 7:00 P.M. on Tuesday, July 14, 2009 before the Council in the Council Chambers at City Hall, 215 East Main Street, Bedford, Virginia. Any person interested in the proposed lease may appear at the hearing and present his or her views.

Teresa Hatcher, Clerk of Council

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Mayor Tharp opened the public hearing at 7:03 p.m.

As there were no comments, the Mayor closed the public hearing at 7:04 p.m.

The Consent Agenda consisted of the following item:

Appointment of Eddie Harmony to serve on the Keep Bedford Beautiful Commission for a term to expire June 30, 2011.

On motion by Vice Mayor Wandrei, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council adopted the Consent Agenda. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Mayor Tharp	aye

City Manager Kolakowski reported that at the City Council meeting held on June 23, 2009, he proposed an ordinance for licensing of dealers in precious metals and gems and for pawnbrokers. A motion was put on the floor to approve the ordinance, but that motion was withdrawn after questions were raised concerning fees and penalties and concerning whether the ordinance paralleled state legislation. The Mayor stated that he would direct the City Attorney to rewrite the ordinance to parallel the state code.

The City Manager then reviewed the following:

The City Attorney has prepared a second draft of the proposed ordinance with state law references inserted after each of the sections. Almost all of the sections in the proposed ordinance followed verbatim the language in the state statutes, with the except of section 14-318 which dealt with the sequence of procedures to be followed by an applicant for a pawnbrokers license.

The City Attorney has spoken in person with the Circuit Court Judge, and a small change was made in section 24-318 involving the style or title of the proceeding to be brought in the Circuit Court for authorization of the issuing of a license by the City. Judge Updike agreed with the City Attorney that some type of petition had to be filed before a Circuit Court judge could act upon the matter, and he saw no problem with the proposed procedures.

The City Attorney has further advised Council that the state statute dealing with licensing of pawnbrokers does not have a provision specifically authorizing a permit fee, but other state legislation authorizes a city to

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require a fee whenever a permit is authorized. The \$200 application fee for a pawnbroker's license set forth in the proposed ordinance is the amount required by every city or town which has set a fee.

On the other hand, the City Attorney found that the \$500 application fee for a precious metals dealer previously set in the City Code is higher than the fee set for that license in other jurisdictions. The State Legislation, dealing with precious metals dealers, specifies that the chief law enforcement officer of a city can issue a permit upon payment of a \$200 application fee; the legislation further authorizes cities to enact ordinances regulating dealers in precious metals and provides that fees imposed by the State Legislation are a minimum requirements in any local ordinance and that any fee in excess of that set forth in the State Legislation "shall be reasonably related to the cost of enforcement of such local ordinance." Consequently the City Attorney recommends that the \$200 minimum fee be substituted for the previously established \$500 fee, and the change was made in section 14-305.

The revised ordinance has been posted and is ready for consideration by the Council.

Since the motion for approval, made at the June 23, 2009 meeting was withdrawn, there is no motion on the floor "to be taken from the table." The statement that the matter would be tabled should be interpreted as a statement by the Mayor that the matter would be carried forward to the next Council meeting.

The City Manager requested that Council, by proper motion, enact the proposed ordinance which had been posted during the past week.

Councilman Stanley moved that the ordinance be adopted. The motion was seconded by Councilman Vest.

Vice Mayor Wandrei suggested that refunds be made to those persons who paid excess funds for precious metals permits.

The City Attorney stated a motion would be in order to accomplish the Vice Mayor's suggestion.

The Vice Mayor asked that Council consider the refunds for precious metals permits.

Mayor Tharp asked the Chief of Police for any comments on the proposed ordinance.

Chief Day stated he felt the ordinance is a good ordinance and it follows state code.

The motion to adopt the ordinance was then voted upon and carried unanimously by the following roll call vote:

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Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Mayor Tharp	aye

The Ordinance follows as adopted:

ORDINANCE NO. 09-10

**AN ORDINANCE REGULATING DEALERS IN PRECIOUS
METALS AND GEMS AND PROVIDING
FOR LICENSING OF PAWNBROKERS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD,
VIRGINIA:**

Section 1: Chapter 14 of the City Code (Business) is amended to add the following Article VI regulating dealers in precious metals and gems and providing for licensing of pawnbrokers:

Chapter 14
ARTICLE VI
Pawnbrokers and Precious Metals Dealers

Division 1
Dealer in Precious Metals

Section 14-302. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coin *means* any piece of gold, silver, or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

Dealer means any person engaged in the business of purchasing secondhand precious metals or gems; removing in any manner precious metals or gems from manufactured articles not then owned by such person; or buying, acquiring, or selling

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precious metals or gems removed from such manufactured articles. The term “dealer” includes all employers and principals on whose behalf a purchase is made and any employee or agent who makes any such purchase for or on behalf of his employer or principal. The definition of the term “dealer” shall not include persons engaged in the following:

- (1) Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this article.
- (2) Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary.
- (3) Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade-in.
- (4) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.
- (5) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, or dealers, or by mail originating outside the state.
- (6) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a byproduct.

Gem means any item containing precious or semiprecious stones or pearls customarily used in jewelry.

Precious metal means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

State law references: Similar provisions, Code of Virginia, § 54.1-4109

Section 14-303. Exemptions and waivers.

(a) *Waivers for nonprofit exhibitions.* The Chief of Police or his designee may waive by written notice implementation of any one or more of the provisions of this article, except section 14-308, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.

(b) *Coins*. The provisions of this article shall not apply to the purchase or sale of coins.

(c) *Banks*. This article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in buying and selling gold and silver bullion.

State law references: Similar provisions, Code of Virginia, § 54.1-4109

Section 14-304. Penalties.

(a) Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a class 1 misdemeanor.

(b) Upon the first conviction of a dealer for violation of any provision of this article, the Chief of Police may revoke the dealer's permit to engage in business as a dealer under this article for one full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

State law references: Similar provisions, Code of Virginia, § 54.1-4110

Section 14-305. Permit.

(a) *Required*. No person shall engage in the activities of a dealer without first obtaining a permit from the Chief of Police.

(b) *Application; issuance or denial*. To obtain a permit, the dealer shall file with the Chief of Police an application form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer if any; and the location of the dealer's place of business. Upon filing this application and payment of an application fee of \$200.00, the dealer shall be issued a permit by the Chief of Police or his designee, provided that the applicant has not been convicted of a felony or crime or moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this article.

(c) *Approval of weighing devices*. Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the Chief of Police.

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(d) *Term; annual fee.* The permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained, with an annual permit fee of \$200.00. No permit shall be transferable.

(e) *Interruptions in operation of business; permanent location required.* If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the Chief of Police of all closing and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

State law references: Similar provisions, Code of Virginia, § 54.1-4111; 54.1-4108

Section 14-306. Bond or letter of credit required.

(a) Every dealer shall secure a permit as required by Section 14-305, and each dealer at the time of obtaining such permit shall enter into a recognizance to the City Council secured by a corporate surety authorized to do business in this state, in the penal sum of \$10,000.00, conditioned upon due observance of the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the state a letter of credit in favor of the city council for \$10,000.00.

(b) A single bond upon an employer or principal may be written or a single letter of credit may be issued to cover all employees and all transactions occurring at a single location.

State law references: Similar provisions, Code of Virginia, § 54.1-4106

Section 14-307. Private action for recover on bond or letter of credit.

Any person aggrieved by the misconduct of any dealer who has violated the provision of this article may maintain an action for recovery in any court of proper jurisdiction against the dealer and his surety. Recovery against the surety shall be only for that amount of the judgment which is unsatisfied by the dealer.

State law references: Similar provisions, Code of Virginia, § 54.1-4107

Section 14-308. Prohibited purchases.

(a) No dealer shall purchase precious metals or gems from any seller who is under the age of 18 years.

(b) No dealer shall purchase precious metals or gems from any seller whom the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

State law references: Similar provisions, Code of Virginia, § 54.1-4103

Section 14-309. Credentials required from seller.

- (a) No dealer shall purchase precious metals or gems without first:
 - (1) Ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon and at least one other corroborating means of identification; and
 - (2) Obtaining a statement of ownership from the seller.
- (b) The Chief of Police may determine the contents of the statement of ownership.

State law references: Similar provisions, Code of Virginia, § 54.1-4102

Section 14-310. Records of purchases.

- (a) Every dealer shall keep at this place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for at least 24 months and shall set for the following:
 - (1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem, and the price paid for each item;
 - (2) The date, time and place of receiving the items purchased;
 - (3) The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race height, weight, hair and eye color, and other identifying marks;
 - (4) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon; and
 - (5) A statement of ownership from the seller.
- (b) The information required by subsections (a)(1) through (3) of this section shall appear on each bill of sale for all precious metals and gems purchased by a dealer, and a copy shall be mailed or delivered within 24 hours of time of purchase to the Chief of Police.

State law references: Similar provisions, Code of Virginia, § 54.1-4101

Section 14-311. Examination of records or property; warrantless search and seizure authorized.

Every dealer or his employee shall admit to his place of business during regular business hours the Chief of Police or his designee or any law enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen, and search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. **State law references:** Similar provisions, Code of Virginia, § 54.1-4101.1

Section 14-312. Retention of precious metals and gems.

(a) The dealer shall retain all precious metals or gems purchased for a minimum of ten calendar days from the date on which a copy of the bill of sale is received by the Chief of Police. Until the expiration of this period, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the city.

(b) If the dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of ten calendar days after receiving such article and precious metals or gems.

State law references: Similar provisions, Code of Virginia, § 54.1-4104

Section 104-313. Record of disposition of precious metals and gems.

Each dealer shall maintain for at least 24 months an accurate and legible record of the name and address of the person to whom he sells any precious metal or gem in its original form after the waiting period required by section 104-312. This record shall also show the name and address of the seller from whom the dealer purchased the item.

State law references: Similar provisions, Code of Virginia, § 54.1-4105

Division 2
Pawnbrokers

Section 14-314. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

Pawnbroker means any person who lends or advances money or other things for profit on the pledge and possession of personal property or other valuable things, other

than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing or other things back to the seller at a stipulated price.

State law references: Similar provisions, Code of Virginia, § 54.1-4000

Section 14-315. Penalties.

(a) Criminal penalty. Any licensed pawnbroker who violates any of the provisions of this article, except as otherwise provided in section 14-316, shall be guilty of a class 4 misdemeanor.

(b) Suspension or revocation of license. In addition to the penalty provided in subsection (a) of this section, the court may revoke or suspend the pawnbroker's license for second and subsequent offenses.

(c) Violation of Virginia Consumer Protection Act. Any violation of this article shall constitute a prohibited practice in accordance with Code of Virginia, Section 59.1-200, and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act.

State law references: Similar provisions, Code of Virginia, § 54.1-4014A, 4014B

Section 14-316. License application.

(a) Required. No person shall engage in the business of a pawnbroker without first obtaining a license from the Chief of Police.

(b) Application. Any person seeking a pawnbroker's license shall apply to the Chief of Police on a form to be supplied by the police department. Such application shall include, at a minimum, the following information on each person acting as a pawnbroker, including all members of a partnership or principals in a corporation or other business entity:

- (1) Applicant's full name.
- (2) Applicant's address and telephone number.
- (3) Applicant's date of birth.
- (4) Any and all aliases by which the applicant is or has been known.
- (5) Applicant's sex.
- (6) Applicant's fingerprints.
- (7) Employer, if applicable.
- (8) Employer's address and phone numbers.
- (9) Specifics of any criminal convictions or pending criminal charges of the applicant.
- (10) A recent photograph of the applicant.
- (11) Other jurisdictions in which the applicant has applied for or obtained a license to engage in such business.
- (12) Whether the applicant has been denied a pawnbroker's license or has had a license revoked under any ordinance similar

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in substance to the provisions of this article.

(13) Address of the premises where the applicant intends to engage in such business within the city.

(c) Application fee. Each pawnbroker's license application shall be accompanied by a receipt from the city treasurer indicating payment of an application fee of \$200.00. Each application for renewal of a license shall be accompanied by an application fee of \$200.00.

(d) Grounds for denial. A pawnbroker's license may be denied by the Chief of Police if the applicant:

- (1) Has been convicted of embezzlement, fraud or theft;
- (2) Has been convicted of any felony or crime of moral turpitude within ten years immediately preceding the application; or
- (3) Has been denied a similar license or has had a similar license revoked.

(e) Location of business. The license shall designate the building in which the licensee shall carry on business. No person shall engage in the business of a pawnbroker in any location other than the one designated in his license, except with consent of the circuit court which authorized issuance of the license and upon written notification of the Chief of Police.

(f) Duration; renewal; transfer. The license shall be valid for 12 months from the date thereof, and may be renewed in the same manner as the initial license was obtained, with the annual license fee of \$200.00. No license shall be transferable.

(g) Grounds for nonrenewal, suspension or revocation. Any false statement made in a pawnbroker's license application filed pursuant to section 22-54 shall render the license void ab initio. Failure of a licensee to comply with any other provision of this article or with any provision of Code of Virginia Section 54.1-4000 et seq., shall be grounds for the Chief of Police to deny the renewal of a pawnbroker's license or for the Chief of Police to revoke or suspend such person's license.

(h) Penalty. Any person who violates the provisions of this section shall be guilty of a class 1 misdemeanor. Each day's violation shall constitute a separate offense.

State law references: Similar provisions, Code of Virginia, § 15.2-1125, 54.1-4001

Section 14-317. Limitation on number of pawnshops.

Not more than two (2) places in the city shall be licensed where the business of a pawnbroker may be conducted, none of which shall be located closer than one half mile to any other.

State law references: Similar provisions, Code of Virginia, § 54.1-4002A

Section 14-318. Procedures for issuance of license.

(a) Upon receipt of the application fee and review of the application, the Chief of Police shall make a criminal records check of the applicant; shall ascertain if the applicant has received a zoning permit for conducting a pawnshop at the designated location; and shall determine if the applicant otherwise meets the requirements of this article. If the Chief of Police denies the application, he shall inform the applicant of the decision in writing of any reason for disapproval within 30 days from the date that the applicant has submitted all required information.

(b) If the Chief of Police approves the application for a permit, he shall notify the applicant in writing that the license has been approved by the City, subject to the applicant's obtaining an order from the Judge of the Circuit Court of Bedford County, pursuant to Virginia Code Section 54.1-4001 and subject to the applicant's filing of necessary surety bonds or letters of credit with the Clerk of Court. The application or petition to the Circuit Court shall be made by the applicant or his counsel under the style or title In Re: Application of _____ (name of applicant) for City of Bedford Pawnbroker's License, and a copy of the petition or application shall be served upon or accepted by the City Attorney who shall represent the City in the proceedings.

(c) Upon receipt of a certified copy of the order from the Judge of the Circuit Court of Bedford County authorizing the City to issue a pawnbroker's license, the Chief of Police shall issue such a license and advise the Commissioner of Revenue of such issuance. It shall be the responsibility of the applicant to obtain the necessary business license from the Commissioner of Revenue prior to commencement of the operations of the business of a pawnbroker.

Section 14-319. Records of transactions; credentials of persons pawning goods.

(a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction occurring in the course of his business. The account shall be of each loan or transaction occurring in the course of his business. The account shall be recorded at the time of the loan or transaction on a form approved by the Chief of Police and shall include:

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- (1) A description, serial number, and a written statement of ownership signed by the pledgor of the goods, articles or things pawned or pledged or received on account of money loaned thereon;
- (2) The time, date and place of the transaction;
- (3) The amount of money loaned thereon at the time of the pledge;
- (4) The rate of interest to be paid on such loan;
- (5) The fees charged by the pawnbroker, itemizing each fee charged;
- (6) The full name, residence address, telephone number and driver's license number or other form of identification of the person pawning or pledging the goods, articles or things, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks of such person;
- (7) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
- (8) The terms and conditions of the loan, including the period for which any such loan may be made; and
- (9) All other facts and circumstances respecting such loan.

(b) Every pawnbroker shall comply with all applicable provisions of Chapter 40, Title 54.1 of the Code of Virginia, with the regulations promulgated by the Superintendent of State Police and the Chief of Police including regulations specifying the following items:

- (1) The nature of the particular description for the purposes of subsection (a)(6) of this section; and
- (2) The nature of identifying credentials of the person pawning or pledging the goods. Such identifying credentials shall be examined by the pawnbroker and an appropriate record thereof retained.
- (3) The content of the statement of ownership required from each pawner, as provided by Code of Virginia Section 54.1-4005 and to be issued by the Chief of Police.

State law references: Similar provisions, Code of Virginia, §54.1-4009, 54.1-4009D

Section 14-320. Daily reports to police.

Every pawnbroker shall prepare a daily report of all goods, articles or things pawned or pledged with him that day and file such report by noon of the following day with the Chief of Police. The report shall include the pledgor's name, residence and driver's license number or other form of identification, and a description of the goods,

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articles or things pledged, and shall be in writing and clearly legible to any person inspecting it.

State law references: Similar provisions, Code of Virginia, § 54.1-4010

Section 14-321. Examination of records and property; seizure of stolen goods.

(a) Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business, during regular business hours, and duly authorized Bedford law enforcement officer, the Chief of Police or his designee or any law enforcement official of the state or federal government.

(b) The pawnbroker or employee shall permit the officer to:

(1) Examine all records required by this article or Code of Virginia, Title 54.0, Chapter 40 (Section 54.1-4000 et seq.), as amended, and any article listed in a record which is believed by the officer to be missing or stolen; and

(2) Search for and seize any article known to him to be missing, or known or believed by him to have been stolen, provided the officer shall provide the pawnbroker a receipt.

State law references: Similar provisions, Code of Virginia, § 54.1-4011

Section 14-322. Bond required; private action on bond.

(a) No person shall be licensed as a pawnbroker or engage in the business of a pawnbroker without having in existence a bond with surety in the minimum amount of \$50,000.00 to secure the payment of any judgment recorded under the provisions of subsection (b).

(b) Any person who recovers a judgment against a licensed pawnbroker for the pawnbroker's misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.

State law references: Similar provisions, Code of Virginia, § 54.1-4003A

Section 2. This ordinance involves a penalty for its violation and shall become effective only after it has been published or posted in accordance with Section 19 of the City Charter.

The City Manager explained that Ed McGuire, principal officer of Court Street Pizza, Inc., has requested use of a portion of the City owned parking lot adjacent to the Pizza restaurant operated by his company on North Bridge Street. The company proposes construction of deck and patio area to be used as the location of an ice cream parlor business on portions of the adjoining City owned parking lot. Mr. Kolakowski reported the Mayor and the City staff have negotiated an agreement for use of the portion of the City property in return for a monthly rental of \$50 during a 15 month period. This

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coincides with Court Street's existing lease with the owner of the property on which its restaurant is located. The lease also provides for payment of the \$500 deposit to guarantee removal of the improvements at the end of the lease, and it requires that liability insurance be provided insuring both Court Street and the City.

City Manager Kolakowski stated the Proposed Agreement has been signed by the City Manager on behalf of the City, with a provision that it goes into effect only if approved by the City Council. Court Street was given permission in the agreement to begin improvements at its own risk and upon its agreement to remove the improvements if the City Council does not approve the arrangement. Mr. Kolakowski stated that any leasing of public property requires a public hearing after notice of the hearing has been placed in the newspaper. The appropriate effort has run for one week as required by law. The City Manager stated that Council was requested to approve the agreement for use of City property between the City of Bedford and Court Street Pizza, Inc. dated July 1, 2009.

On motion by Councilman Vest, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council approved the agreement with Court Street Pizza, Inc., for use of a portion of a public parking lot. Roll call vote follows:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Mayor Tharp	aye

On motion by Vice Mayor Wandrei, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council approved the issuing of refunds of \$300.00 to those persons who paid excess funds for precious metals permits. Roll call vote follows:

Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Mayor Tharp	aye

City Manager Kolakowski stated that under the City Land Development Regulations, when the City Council has approved a PRD plan and preliminary plat, the developer must submit to the Zoning Administrator a final plat with detailed plans and specifications for required facilities within one year of the approval of the preliminary plat, subject to extension of the time by the Council. (Section 1204). The City Council, on July 24, 2007 adopted a detailed ordinance providing for the change of zoning of property to PRD for the Oakwood Villa project, approving the proposed planned residential development subject to certain terms and conditions, and approving a preliminary plat. The ordinance, by its terms, would become effective only upon enactment of a similar zoning change by

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the Bedford County Board of Supervisors. On February 11, 2008 the Board of Supervisors enacted such ordinance. Consequently the developer was required to submit a final plat and detailed plans and specifications to the City by February 11, 2009.

The City Manager stated as Council is aware, citizen initiated litigation against Bedford County ensued concerning the legality of the County's rezoning ordinance. That matter was heard on January 29, 2009 in Bedford County Circuit Court, and the Court upheld the County's rezoning action. Steven R. Grant, counsel for the developer, on January 30, 2009 wrote to the City Manager explaining that the developer, due to the uncertainty of the outcome of the litigation had not proceeded with the necessary plans, and on behalf of the developer he requested a six month extension for submitting detailed plans and specifications. At its regular meeting on February 10, 2009, City Council adopted a resolution extending the date for submission of detailed plans and specifications and a final plat from February 11, 2009 to August 11, 2009.

City Manager Kolakowski stated that on July 8, 2009, Mr. Grant wrote to the City Manager explaining that the developer is currently in negotiations with Bedford Memorial Hospital, an adjacent property owner, with regard to necessary easements related to construction of the project. He requested an additional six month extension for submitting the appropriate easements and beginning construction on the project. Mr. Kolakowski stated that Council was requested to adopt a resolution extending the date for submission of detailed plans and specifications and a final plat from August 11, 2009 to February 11, 2010.

On motion by Councilman Vest, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council accepted the resolution as presented. Roll call vote follows:

Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Tharp	aye

The resolution follows as adopted:

**RESOLUTION GRANTING AN ADDITIONAL EXTENSION
OF SIX MONTHS FOR SUBMISSION
OF DETAILED PLANS AND SPECIFICATIONS
AND A FINAL PLAT FOR THE
OAKWOOD VILLA TOWNHOUSE PROJECT**

WHEREAS, the City Council, on July 24, 2007, adopted an ordinance providing for the change of zoning of property to PRD for the

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Oakwood Villa Townhouse Project, approving the proposed planned residential development subject to certain terms and conditions, approving the preliminary plat for the townhouse project, and requiring that a final plat of survey and more detailed be submitted; and

WHEREAS, the ordinance by its terms stated that it would take effect upon passage of a substantially similar ordinance of Bedford County changing its zoning maps; and

WHEREAS, the Bedford County Board of Supervisors, on February 11, 2008, adopted an ordinance amending its zoning maps, and accordingly that became the effective date of the City ordinance; and

WHEREAS, under the City Land Development Regulations, including specifically Section 1204, a subdivider must submit a final subdivision plat with detailed plans and specifications to the Zoning Administrator within one year of conditional approval or full approval of the preliminary plan, subject to extension by the City Council;

WHEREAS, Steven R. Grant, attorney for the developer, by letter dated January 30, 2009 has requested a six month extension to submit detailed plans and specifications and a final plat in view of the fact that the developer had not been able to make any plans due to the uncertainty of the outcome of litigation involving the County zoning which was decided in the developers favor by the Circuit Court of Bedford County on January 28, 2009;

WHEREAS, at its regular meeting on February 10, 2009, the City Council extended the date for submission of detailed plans and specifications and a final plat from February 11, 2009 until 5:00 P.M. on August 11, 2009; and

WHEREAS, Steven R. Grant, attorney for the developer, by letter dated July 8, 2009 has requested an additional six month extension to submit appropriate easements and begin construction on the project in view of the fact that the developer is currently in negotiations with Bedford Memorial Hospital regarding construction, sewer, and water easements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD AS FOLLOWS:

1. The City Council extends the date for submission of detailed plans and specifications and a final plat from August 11, 2009 until 5:00 P.M. on February 10, 2010.

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2. All provisions set forth in Ordinance No. 07-11 enacted on July 24, 2007 shall remain in full force and effect and the proposed development shall be subject to such terms and conditions except as modified herein.

3. This Resolution shall take effect upon enactment.

City Manager Kolakowski reported that Title 58.1, Section 3250 of the State Code of the Commonwealth of Virginia, as amended, requires localities to conduct a general reassessment of all locally taxable and tax-exempt real estate at regular intervals not to exceed four years. Two thousand ten will be the fourth year since the last general City reassessment. The City has issued a request for proposals from various reassessment firms. Proposals were received and interviews were held jointly by the selection committees for the City and the County as required in the RFP.

The City Manager stated that at the regularly scheduled meeting of the Bedford County Board of Supervisors Meeting held on June 22, 2009, the County of Bedford selected Wingate Appraisal Services to perform the County reassessment to be completed January 1, 2011. Wingate has submitted a cost of \$20.00 per parcel for the City of Bedford reassessment effective July 1, 2010. This bid is \$4.00 less per parcel than contracted in the last reassessment. Wingate agrees to complete all appraisal services and transmit all of the necessary information to the Commissioner of the Revenue no later than June 30, 2010. As Wingate Appraisal Service has performed the last three reassessments in the City of Bedford, are extremely familiar with the area, and in order to maintain consistency with County assessments, staff recommends that Wingate Appraisal Service be awarded the bid for the City of Bedford Real Estate Reassessment effective July 1, 2010. The City Manager stated that Council was requested to authorize the City Manager to prepare and sign the contract for appraisal services to Wingate Appraisal Services.

On motion by Councilman Vest, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council authorized the City Manager to execute the contract for appraisal services to Wingate Appraisal Services. Roll call vote follows:

Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Tharp	aye

City Manager Kolakowski said the City's written position on Equal Opportunity needs to be updated on a regular basis. When approved by City Council, the signed written statement is posted on the City's Legal Posting Board in the Municipal Building. Legal counsel has reviewed and approved the proposed updated Equal Opportunity Statement.

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Mr. Kolakowski stated that Council was requested to approve the written statement as the City's position on Equal Opportunity.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council authorized the City Manager to post the Equal Opportunity Statement.

The Equal Opportunity Employer Statement follows as adopted:

City of Bedford Equal Opportunity Employer Statement

The City of Bedford is an Equal Opportunity Employer, and hereby affirms that it is the policy of the City to maintain and promote equal opportunity and diversity for all employees, applicants for employment and contractors in accordance with the relevant federal and State Laws.

The City will not discriminate on the basis of race, religion, color, national origin, sex, age, disability, marital status, veteran status, sexual orientation, ancestry, or citizenship status.

In support of a diverse workforce, decisions as to hiring, promotion and other aspects of the employment relationship will be based solely upon job related qualifications.

The City will not tolerate any kind of harassment of employees or retaliation against an employee who brings a complaint forward. Allegations of harassment will be taken seriously, promptly investigated, and appropriate action taken depending on the severity of the situation.

Mayor Tharp adjourned the meeting at 7:20 p.m.